

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1185 Avenue of the Americas
9 New York, NY 10036
Telephone: (212) 556-2100
10 Facsimile: (212) 556-2222

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
16 Plaintiffs,
17 v.
18 GOOGLE INC.,
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF RENNY HWANG IN
SUPPORT OF ORACLE'S
ADMINISTRATIVE MOTIONS TO SEAL
[ECF NOS. 1613, 1614] ORACLE'S
OPPOSITIONS TO GOOGLE'S MILS
AND CORRESPONDING EXHIBITS**

21 Dept. Courtroom 8, 19th Fl.
22 Judge: Hon. William Alsup

1 I, RENNY HWANG, declare as follows:

2 1. I am an attorney employed by Google Inc. ("Google"), where I have served as
3 senior litigation counsel for the last six years. My job responsibilities include, but are not limited
4 to, supervising our outside counsel in connection with litigation matters (such as this one), as well
5 as familiarizing myself with the areas of Google's businesses and documentation concerning
6 those businesses as they related to litigation matters under my supervision. I submit this
7 declaration in support of Oracle's Administrative Motion to File Under Seal Oracle's Opposition
8 to Google's Motions in Limine #6 (ECF No. 1613) and Oracle's Administrative Motion to File
9 Under Seal Exhibits to Silverman Declaration in support of Oracle's Oppositions to Google's
10 Motions in Limine (ECF No. 1614). I have knowledge of the facts set forth herein, and if called
11 upon as a witness, I could testify to them competently under oath.

12 2. I have reviewed Oracle's Opposition to Google's Motion in Limine #6, Appendix
13 A to Oracle's Opposition to Google's Motion in Limine #6, and the exhibits listed in Oracle's
14 Administrative Motion to File Under Seal Exhibits to Silverman Declaration in support of
15 Oracle's Oppositions to Google's Motions in Limine.

16 A. The following portions of Oracle's Opposition to Google's Motion in
17 Limine #6, Appendix A to Oracle's Opposition to Google's Motion in Limine #6, and Exhibit 39
18 to the Silverman Declaration contain Google's extremely confidential and commercially sensitive
19 Android-related financial information:

20 • **Oracle's Opposition to Google's Motion in Limine #6:**

- 21 ○ Page 5, line 1: dollar amount which reflects revenue and financial
- 22 information which are not public.
- 23 ○ Page 5, footnote 5: percentage on line 2 which reflects revenue and
- 24 financial information which are not public.
- 25 ○ Page 13, footnote 9: dollar amounts and percentages which reflect
- 26 revenue and financial information which are not public.
- 27 ○ Page 14, line 21: dollar amount which reflects revenue and financial
- 28 information which are not public.

- Page 17, lines 1, 2, 3, 4, 5: dollar amounts which reflect revenue and financial information which are not public.
- Page 17, line 2: dollar amount which reflects revenue and financial
- Page 19, line 15: dollar amount which reflects revenue and financial information which are not public.
- Page 20, footnote 18: dollar amount which reflects revenue and financial information which are not public..
- **Appendix A to Oracle's Opposition to Google's Motion in Limine #6:**
 - Page 5, GOOG-00210248 row: dollar amounts which reflect revenue and financial information which are not public.
 - Page 5, GOOG-00186877 row: dollar amount and percentage which reflect revenue and financial information which are not public.
 - Page 6, GOOG-00130338 row: dollar amounts which reflect revenue and financial information which are not public.
 - Page 7, Gold Deposition row: dollar amounts which reflect revenue and financial projections which are not public.
- **Exhibit 39 -- excerpts of the Deposition of James Malackowski, dated March 17, 2016:**
 - Page 94, line 2: dollar amount which reflects revenue and financial terms which are not public.

Google does not publicly allocate revenue or profits to Android separate and apart from Google's general business. Accordingly, Google considers the non-public financial data identified above to be highly sensitive, and public disclosure of that information could have significant negative effects on Google's business. Google only seeks to seal the specific numbers and percentages contained in the above listed passages.

B. In addition, the following portions of Oracle's Opposition to Google's Motion in Limine #6, Appendix A to Oracle's Opposition to Google's Motion in Limine #6, and

Exhibits 10, 17, 38, and 39 to the Silverman Declaration contain sensitive information related to the confidential terms of Google's agreement with third parties.

- **Oracle's Opposition to Google's Motion in Limine #6:**

- Page 5, footnote 5: the percentage on line two reflects revenue and third-party agreement terms and details which are not public.
- Page 13, footnote 9: "per device" dollar amounts which reflect revenue and third-party agreement terms and details which are not public.
- Page 16, lines 8, 9, 11, 14, 15, 16, 17, 20, 21, 24: contain revenue and third-party agreement terms and details which are not public.
- Page 16, line 27: percentage which reflects revenue and third-party agreement terms and details which are not public.
- Page 17, lines 1, 3, 4, and 5: percentages which reflect revenue and third-party agreement terms and details which are not public.

- **Appendix A to Oracle's Opposition to Google's Motion in Limine #6:**

- Page 6, GOOG-00130338 row: percentages which revenue and third-party agreement terms and details which are not public.

- **Exhibit 10 -- excerpts of the Deposition of James Kolotourous, dated January 26, 2016:**

- Page 184, lines 14-16: contain revenue and third-party agreement terms and details which are not public.
- Page 225, line 21: percentage which reflects revenue and third-party agreement terms and details which are not public.

- **Exhibit 17 -- excerpts of the Deposition of Urs Hoelzle, dated November 24, 2015:**

- Page 297, lines 4, 7-12, 14: contain revenue and third-party agreement terms and details which are not public.
- Page 100, lines 6, 7, 14, 16, 20, 23: contain revenue and third-party agreement terms and details which are not public.

○ Page 101, lines 4, 7, 19: contain revenue and third-party agreement terms and details which are not public.

• **Exhibit 38 -- excerpts of the Deposition of Gregory K. Leonard, Ph.D., dated March 11, 2016:**

○ Page 98, lines 7, 10, 23: contain revenue and third-party agreement terms and details which are not public.

○ Page 99, lines 2, 7, 9, 10, 11, 12, 14, 16, 17, 21: contain revenue and third-party agreement terms and details which are not public.

• **Exhibit 39 -- excerpts of the Deposition of James Malackowski, dated March 17, 2016:**

○ Page 94, lines 9, 16, 22: contain revenue and third-party agreement terms and details which are not public

The information relating to third-party agreements that is quoted, discussed, and/or summarized in the passages above is subject to stringent confidentiality requirements contained within the relevant agreement. Indeed, Google places strict limits on who has access to the terms of these agreements to ensure confidentiality is retained. Also, Google does not disclose this information to the public. Public disclosure of this information could severely and adversely impact Google's ability to negotiate, among other things, similar terms with other third parties in connection with similar agreements now or in the future. Google only seeks to seal the specific numbers, terms, and partner names in the above listed portions.

3. The narrowly tailored portions of Oracle's Opposition to Google's Motion in Limine #6, Appendix A to Oracle's Opposition to Google's Motion in Limine #6, and Exhibits 10, 17, 38, and 39 to the Silverman Declaration should therefore be filed under seal.

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2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct to the best of my knowledge.

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5 Executed this 11th day of April, 2016 at Los Altos, California.

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7 By: 

8 RENNY HWANG
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